UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,846	09/30/2003	Andreas Roessler	09700.0061	3766

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/676,846	ROESSLER ET AL.
	Examiner	**Art Unit**	
	Samir Termanini	2178	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on <u>26 February 2007</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-21</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-21</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>N/A</u>.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

U.S. Patent and Trademark Office

PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20070504

DETAILED ACTION

BACKGROUND

1.   This FINAL Office Action is responsive to the following communications: Amendment filed on 2/26/07 .

2.   Claims 1–21 are pending in this case. Applicants amended claims 1, 14, and 18–19, where claims: 1, 14, and 18 are in independent form.

3.   Applicants amended the Specification in response to the Objection cited by the Examiner in the previous Office Action (dated 2/14/06) with regard to reference characters. The Objection is <u>withdrawn</u> in view of the Amendment.

4.   Arguments concerning the Examiner's rejections of claims 1–13, made under 35 U.S.C. §101 in the previous Office Action (dated 2/14/06) have been fully considered and are rendered moot in view of the Amendment. Likewise, Applicant's Amendment obviates the 35 U.S.C. §101 rejection, and hence, it is <u>withdrawn</u>.

5.   Arguments concerning the Examiner's rejections of claims 1–4 and 6–21, made under 35 U.S.C. §102(b) in the previous Office Action (dated 2/14/06) have been fully considered but they are <u>not persuasive</u> for the reasons set forth hereunder.

6.   Arguments concerning the Examiner's rejections of claims 1–21, made under 35 U.S.C. §103(a) in the previous Office Action (dated 2/14/06) have been fully considered but they are <u>not persuasive</u> for the reasons set forth hereunder.

CLAIM REJECTIONS - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   **Claims 1-4, and 6-21** are rejected under 35 U.S.C. 102(b) as being

anticipated by *Aaker et al.* (US Patent No. 5,758,087 A).

As to independent **claim 1**, *Aaker et al.* teach a computer program product

("computer program product 900" col. 8, lines 27-29) to: provide on a client computer

a user interface for a computer program application ("a client system application

program interface [API] 103" col. 3, lines 60-65), the user interface being operable to

receive input from a user interacting with the client and from the input to generate

user interaction events ("events" col. 1, lines 50-54); identify on the client one or

more possible user interaction events ("request and response interaction technique"

col. 3, lines 4-9) while the user interface is in a current user interface state, the

possible user interaction events being user interaction events that would arise from

input the user interface could possibly receive in the current user interface state

from the user ("predicted based upon the current request" col. 3, lines 20-22); pre-

process one or more of the possible user interaction events to generate one or more

possible user interface states ("A predicted response is generated by the server system 200 using the predict logic module 230." col. 3, lines 22-26; see also "for imbedded hypertext files" col. 6, lines 54-57); and store the one or more possible user interface states for later use ("<u>sets</u> a trigger that will recognize a match of the client's predicted request" col. 3, lines 24-26)(emphasis added).

As to dependent **claim 2**, *Aaker et al.* further teach receiving an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, make the corresponding one of the possible user interface states the current user interface state ("When client's predicted request arrives, the trigger sends the response using the transmit data function 236." col. 3, lines 26-28).

As to dependent **claim 3**, *Aaker et al.* teach storing the one or more possible user interface appearances for later use ("transfer predictions are prepared for the identified embedded files as indicated at a block 636" col. 6, lines 60-65).

As to dependent **claim 4**, *Aaker et al.* teach pre-rendering one or more of the possible user interface states comprise instructions to generate code to render the corresponding user interface states ("sequential steps for preparing a predicted response, such as, for imbedded hypertext files begin with preparing a file transfer prediction for a current document as indicated at a block 630" col. 6, lines 54-57).

As to dependent **claim 6**, *Aaker et al.* teach receive an actual input from the user and, if one of the possible user interface states corresponds to a user

interaction event that arises from the actual input from the user, making the corresponding one of the possible user interface appearances a user interface appearance of the current user interface state ("When a client's predicted request arrives, the trigger sends the response" col. 1, lines 46-50).

As to dependent **claim 7**, *Aaker et al.* teach specifying an order for preprocessing possible user interaction events ("The task priority count is maintained so that the tasks with a high priority count can be prioritized above other tasks with lower counts for task scheduling..." col. 7, lines 12-15).

As to dependent **claim 8**, *Aaker et al.* teach specifying an order for any preprocessing of possible user interaction events comprise instructions by: estimating the likelihood of the one or more possible user interaction events ("...whether it is possible to predict..." col. 5, lines 64-66) based on an estimate of the likelihood of different inputs the user interface could possibly receive in the current user interface state from the user ("data and trigger set function 234 of FIGS. 1 and 2B" col. 5, lines 58-61).

As to dependent **claim 9**, *Aaker et al.* teach the user interface comprises a control having instructions to establish estimates of the likelihoods of generating possible user interaction events from user interaction with the control ("Predict logic module 230 includes a compare function 232" col. 2, lines 65-67); and the instructions to estimate the likelihood of the one or more possible user interaction events comprise instructions using the estimates established by the control ("it is

determined whether it is possible to predict a next request as indicated at a decision

block 604." col. 5, lines 64-66).

As to dependent **claim 10**, *Aaker et al.* teach detecting a period of inactivity

("The timeout action is provided so that if a predicted request is not received within

the timeout interval or other events occur before a predicted request arrives..." col.

5, lines 40-44); and begining executing the instructions to identify and pre-process

only after a period of inactivity ("timer logic function 238 for implementing a

timeout action associated with a triggered response." col. 2 line 65 -to- col. 3 line 3).

As to dependent **claim 11**, *Aaker et al.* teach instructions to pre-process one

or more of the possible user interaction events to generate one or more possible user

interface states comprise instructions to obtain data from the application for

possible user interface states ("transmit data function 236" col. 5, lines 34-37).

As to dependent **claim 12**, *Aaker et al.* teach instructions to identify on the

client one or more possible user interaction events comprise instructions to include

as possible user interaction events only those possible user interaction events

having an estimated likelihood of occurrence exceeding a threshold ("Tasks with a

high prediction count can be prioritized above other tasks that have been less

successfully predicted." col. 1, lines 60-61).

As to dependent **claim 13**, *Aaker et al.* teach that the computer program

application is a program running on a server computer in data communication with

the client computer ("packets between the client system 100 and server system 200"

col. 3, lines 56-59); and the instructions to provide a user interface on the client computer comprise instructions to provide the user interface in a Web browser ("Server system 200 further includes the compare function 232, compare data and trigger set function 234, and transmit data function 236 between the internet protocol module 209 and the media access protocol module 208, and a predict logic interface 230A, as shown in FIG. 2B." col. 5, lines 21-25).

As to independent **claim 14**, *Aaker et al.* teach a computer implemented method, comprising: providing on the client computer a user interface for a computer program application ("a client system application program interface [API] 103" col. 3, lines 60-65), the user interface being operable to receive input from a user interacting with the client and from the input to generate user interaction events ("events" col. 1, lines 50-54); identifying on the client one or more possible user interaction events ("request and response interaction technique" col. 3, lines 4-9) while the user interface is in a current user interface state, the possible user interaction events being user interaction events that would arise from input the user interface could possibly receive in the current user interface state from the user ("predicted based upon the current request" col. 3, lines 20-22); pre-processing one or more of the possible user interaction events to generate one or more possible user interface states("A predicted response is generated by the server system 200 using the predict logic module 230." col. 3, lines 22-26); and storing the one or more

possible user interface states for later use ("<u>sets</u> a trigger that will recognize a match of the client's predicted request" col. 3, lines 24-26)(emphasis added).

As to dependent **claim 15**, *Aaker et al.* teach receiving an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, make the corresponding one of the possible user interface states the current user interface state ("When client's predicted request arrives, the trigger sends the response using the transmit data function 236." col. 3, lines 26-28).

As to dependent **claim 16**, *Aaker et al.* teach pre-rendering one or more of the possible user interface states to generate one or more possible user interface appearances ("sequential steps for preparing a predicted response, such as, for imbedded hypertext files begin with preparing a file transfer prediction for a current document as indicated at a block 630" col. 6, lines 54-57); and storing the one or more possible user interface appearances for later use ("<u>sets</u> a trigger that <u>will</u> recognize a match of the client's predicted request" col. 3, lines 24-26)(emphasis added).

As to dependent **claim 17**, *Aaker et al.* teach specifying an order for pre-processing the possible user interaction events ("The task priority count is maintained so that the tasks with a high priority count can be prioritized above other tasks with lower counts for task scheduling..." col. 7, lines 12-15).

As to independent **claim 18**, *Aaker et al.* teach an apparatus, comprising: a client computer (see"client system 100," Fig. 1) implementing a user interface for a computer program application ("a client system application program interface [API] 103" col. 3, lines 60-65), the user interface being operable to receive input from a user interacting with the client and from the input to generate user interaction events ("events" col. 1, lines 50-54); means for identifying one or more possible user interaction events ("request and response interaction technique" col. 3, lines 4-9) while the user interface is in a current user interface state, the possible user interaction events being user interaction events that would arise from input the user interface could possibly receive in the current user interface state from the user ("predicted based upon the current request" col. 3, lines 20-22); means for pre-processing one or more of the possible user interaction events to generate one or more possible user interface states ("A predicted response is generated by the server system 200 using the predict logic module 230." col. 3, lines 22-26); and means for storing the one or more possible user interface states for later use ("sets a trigger that will recognize a match of the client's predicted request" col. 3, lines 24-26)(emphasis added).

As to dependent **claim 19**, *Aaker et al.* teach a means for receiving an actual input from the user and, if one of the possible user interface states corresponds to a user interaction event that arises from the actual input from the user, make the corresponding one of the possible user interface states the current user interface

state ("When client's predicted request arrives, the trigger sends the response using the transmit data function 236." col. 3, lines 26-28).

As to dependent **claim 20**, *Aaker et al.* teach a means for pre-rendering one or more of the possible user interface states to generate one or more possible user interface appearances ("sequential steps for preparing a predicted response, such as, for imbedded hypertext files begin with preparing a file transfer prediction for a current document as indicated at a block 630" col. 6, lines 54-57); and means for storing the one or more possible user interface appearances for later use ("transfer predictions are prepared for the identified embedded files as indicated at a block 636" col. 6, lines 60-65).

As to dependent **claim 21**, *Aaker et al.* teach a means for specifying an order for pre-processing the possible user interaction events ("The task priority count is maintained so that the tasks with a high priority count can be prioritized above other tasks with lower counts for task scheduling..." col. 7, lines 12-15).

CLAIM REJECTIONS - 35 U.S.C. § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10.   **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over

Aaker et al. (US Patent No. 5,758,087 A) in view of *Horikiriet al.* (US Patent No.

5,765,154).

As to dependent **claim 5**, *Aaker et al.* discloses the limitations of claim 4, addressed

above, further comprising: "imbedded hypertext files... for a current [state]." col. 6, lines 54-

57). However, *Aaker et al.* fails to disclose that the imbedded hypertext files are HTML

(Hypertext Markup Language). *Horikiriet al.* explicitly discloses that it well known that

hypertext files are HTML files ("hypertext documents represented by grammar which is

well-known as HTML (Hyper Text Markup Language)," col. 11, lines 22-26). It would have

been obvious to make use of HTML to code the hypertext file of *Aaker et al.* in view of the

express suggestion to do so in *Horikiriet al.*

RESPONSE TO ARGUMENTS

11.   Applicant arguments, see p. 11, filed 2/26/07, with respect to the Objection

cited by the Examiner in the previous Office Action (dated 2/14/06), to the drawings

with regard to reference numerals the Specification have been fully considered and are

persuasive. Applicant has amended the specification to include reference characters

425,410, 415, 420, 500, 505, 510, 600, 605, 610, and 615. Accordingly, the Objection to

the Drawings has been withdrawn.

12.   Arguments concerning the Examiner's rejections of claims 1–13, made

under 35 U.S.C. §101 in the previous Office Action (dated 2/14/06) have been fully

considered and are rendered moot in view of the Amendment. Applicant's Amendment

obviates the 35 U.S.C. §101 rejection, and hence, it is withdrawn.

13.   Arguments concerning the Examiner's rejections of claims 1–4 and 6–21,

made under 35 U.S.C. §102(b) in the previous Office Action (dated 2/14/06) have been

fully considered but they are not persuasive for the reasons set forth hereunder.

Applicant argues a Aaker fails to teach "one or more possible user interface

states..." as recited in claim 1.

In response to applicant's argument that the references fail to show certain

features of applicant's invention, it is noted that the features upon which applicant

relies. Specifically, the word "generate," that appears in claim 1, is an adjective

describing the type of "interaction events." It is not the actual step of generating.

Applicant has argued a something very different from what is recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181,

26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that "Aaker's transferred file to client system 100 is not a

predicted user interface state." Applicant's specification states that "...interface states

to generate one or more possible user interface appearances" (top of p.2) so 'interface

states' and 'interface appearances' are different things. Furthermore, Applicant's

specification discloses "...storing the one or more possible user interface states for later

use..." (top of p.2) and this could be a file. Moreover, Applicant's specification "The code

to render the corresponding user interface states can include HTML (Hypertext Markup Language) code" (middle of p.2) and this sound like a hypertext file. *Aacker* unmistakably advocates: "...sequential steps for preparing a predicted response, such as, for imbedded hypertext files...." Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore Applicants arguments are not persuasive.

14.   Arguments concerning the Examiner's rejections of claims 1–21, made under 35 U.S.C. §103(a) in the previous Office Action (dated 2/14/06) have been fully considered but they are not persuasive for the reasons set forth hereunder.

Applicants argue that "that hypertext files are not HTML files" and that *Aaker* fails to show HTML files (see p. 14 to p. 15).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

CONCLUSION

15.   Although not relied upon, the following prior art is made of record because it considered pertinent to applicant's disclosure:

[1]   *Barrett et al.* (US Patent No. 5,727,129) for teaching a system that tracks a user's past history of websites visited, including the frequency

and dates and times of visits, in order to predict what web information is likely to be accessed by the user in the future.

[2] *Smith et al.* (US Patent No. 6,742,033 B1) for teaching a that network delivered/based content can be sped up to pre-cache internet content where pre-caching internet content may mean downloading information from the internet that the system predicts that the user will request in the future.

[3] *Aaker et al.* (US Patent No. 5,758,087 A) for teaching a computer, e.g. a server or computer operated by a network provider sends one or more requesting computers (clients) a most likely predicted-to-be selected (predicted) page of information by determining a preference factor for this page based on one or more pages that are requested by the client.

[4] *Mogul* (US Patent No. 5,802,292 A) for teaching a method for predictive pre-fetching of objects over a computer network.

[5] *O'Brien et al.* (US Patent No. 6,055,569 A) for teaching a browser working in conjunction with a HTTP server that selectively downloads WWW pages into the browser's memory cache by evaluating the weight to a predetermined browser criteria so only those pages most probably to be downloaded are stored in the browser's memory cache.

[6] *Horvitz* (US Patent No. 6,067,565 A) for teaching a technique for pre-fetching a web page of potential future interest in lieu of continuing a current information download.

[7] *Horvitz* (US Patent No. 6,085,226 A) for teaching a method and apparatus for utility-directed prefetching of web pages into local cache using continual computation and user models.

[8] *Altschuler et al.* (US Patent No. 6,154,767 A) for teaching building a resource (such as Internet content for example) and attribute transition probability models and using such models to predict future resource and attribute transitions.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing date

of this final action.

Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Samir Termanini at telephone number is (571) 270-

1047. The Examiner can normally be reached from 9 A.M. to 6 P.M., Monday through

Friday.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's

supervisor, Stephen S. Hong can be reached on (571) 272-4124. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

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Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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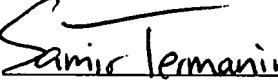
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